Functioning of courts throughout the year

1320. MISS SAROJ KHAPARDE: Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) whether it is a fact that law courts are closed for a period of about three months especially when there is a large pendency of cases in courts;

(b) whether Government propose to make functional the courts throughout the year like Government offices in order to minimize the pendency;

(c) whether the Law Commission have made recommendations on this account; and

(d) if so, what are the details in this regard and what is the decision of Government?

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI RAM JETHMALANI): (a), (c) and (d) The information is being collected and will be laid on the Table of the House.

(b) At present, there is no such proposal under consideration of the Government.

Law Commission's Recommendation on Electoral Reforms

1321. SHRI P. PRABHAKAR REDDY: Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) whether the Law Commission has in a recent report recommended to Government a number of electoral reforms in order to ensure free and fair elections in the country;

(b) if so, the details thereof and Government's reaction thereto; and

(c) by when the said report together with the action taken report thereon is likely to be presented in Parliament?

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI RAM JETHMALANI): (a) to (c) Yes, Sir. The Commission has made comprehensive recommendations on wide

ranging issues concerning electoral laws in its 170th Report on Reform of the Electoral Law which was laid before the House on 28.10.99. A statement containing the salient features of the recommendations is enclosed (*See* below). Government has not yet finally formed its conclusions on the recommendations.

Statement

(i) Introduction of List System of Election in addition to the existing one by making provision for additional 25 per cent seats in Lok Sabha and State Assemblies.

(ii) Comprehensive amendment of Anti-Defection Law which include doing away with the concept of split and merger and defection to be treated as a criterion for disqualification from membership.

(iii) Deletion of provision relating to nomination of members belonging to Anglo-Indian community.

(iv) Regulating by law the formulation, functioning and organisation of political parties.

(v) Embargo on delimitation of constituencies to be extended upto the year 2025.

(vi) Debarring of independent candidates from contesting elections.

(vii) Inclusion of expenditure incurred by the political party and friends etc. in the election expenditure of the candidate.

(viii) Maintenance of accounts by political parties and penalty in default thereof.

(ix) Partial State funding of elections on the pattern of recommendations made by the Indrajit Gupta Committee with a few modifications.

(x) Creation of additional disqualification on framing of charges at a trial for certain criminal offences.

(xi) Restriction on contesting elections from more than one constituency.

(xii) Suggestions regarding expeditious disposal of election petitions which include prescribing time limits to be

maintained by the courts at various stages in the disposal of these petitions.

(xiii) Empowering the Election Commission to make certain recommendations to the appropriate authority for referring any matter for investigation to an agency specified by it for prosecution of any person for an electoral offence and for appointment of any special court for the trial thereof.

(xiv) Declaration at the time of filing nomination paper by the candidate in respect of assets owned by him, his spouse, relatives etc. and charges, if any, framed against him on affidavit.

(xv) Stability in governance—(A) no seat for a party having obtained less than five per cent of total valid votes even if it wins any seat at an election—a new definition of political party in the Tenth Schedule which includes a pre-election front/coalition-restriction on no-confidence motion, in particular requiring the motion to be accompanied by another motion expressing confidence in a named individual as also no fresh no-confidence motion to be permitted within a period of two years.

(B) Passing references to one election in five years and fixed term for legislative bodies but no final recommendations made.

Increase in the strength of Supreme Court Judges

1322. SHRI SUKHDEV SINGH LIBRA: Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) what is the strength of Supreme Court bench as on date;

(b) how many Judges of the Supreme Court belong to SC/ST and Minority Sikh Community;

(c) whether there is any proposal to increase the strength of Supreme Court Judges; and

(d) if so, the details thereof?

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI RAM JETHMALANI): (a) and (b) As on